



September 19, 2013

By Hand

The Honorable Laura Taylor Swain  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**MEMO ENDORSED**

Re: United States v. Daniel Bonventre  
Criminal Docket No. 10-228 (LTS)

Dear Judge Swain:

On behalf of Daniel Bonventre, enclosed are two courtesy copies of his reply in further support of motions *in limine*, filed on August 30, 2013.

One of the issues raised in the defendants' initial joint submission has been resolved as it relates to Mr. Bonventre, subject to Your Honor's approval. We moved for preclusion of the government's tax expert based on the government's failure to provide the expert's opinion and bases therefor as required by Rule 16(a)(1)(G). Your Honor had ordered the government to make its expert disclosures by August 23, 2013, allowing the defense to have thirty days to provide reciprocal expert notice. On September 12, 2013, the government finally provided its tax expert's opinion in the form of various summary charts and spreadsheets. In so doing, the parties agreed that Mr. Bonventre would withdraw his motion to preclude the tax expert, provided that he still had thirty days to provide reciprocal notification for his tax expert.<sup>1</sup> Thus, with the government's consent, Mr. Bonventre will provide reciprocal notification for his tax expert within thirty days of September 12, 2013, if Your Honor approves.

As to experts in other subject matters, Mr. Bonventre is pressing his motion to preclude the testimony of Dara Schneider, as discussed in the enclosed memorandum, but he intends to provide other expert notice (in addition to his tax expert discussed above). Your Honor ordered that defense expert notification would be due thirty days from August 23, 2013, which is this coming Sunday, September 22, 2013. I ask for permission to provide these expert notifications, that is, notifications other than those for Mr. Bonventre's tax expert (which the

<sup>1</sup> We have advised the government that our tax experts are continuing to review these submissions, and that our withdrawal of the motion to preclude is without prejudice to revisit the issue if the disclosures prove to be inadequate.

parties now agree is due thirty days from September 12) and his financial industry expert (which is the subject of Mr. Bonventre's motion to preclude) by Monday, September 23, 2013. While Mr. Bonventre's lawyers will be hard at work all weekend, the relevant experts may not be fully accessible to us on Sunday, so I seek permission to provide their reciprocal expert notice on Monday.

Respectfully submitted,

/s

Andrew J. Frisch

cc: All Counsel

Enclosures

*The request is granted.*

**SO ORDERED:**

  
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HON. LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT JUDGE